



Issue: 2-15 April 1, 2015



FTCNewsLine is an on-line quarterly newsletter of the **FAIR TRADING COMMISSION** that contains information on competition matters dealt with by the Fair Trading Commission as well as other competition agencies from around the world. The aim is to provide readers with insights into some of the matters that are prosecuted in other jurisdictions; and to assist businesses and consumers in better identifying issues that may pose competition concerns.

Competition legislation is specific to each jurisdiction and activities that are prohibited in one jurisdiction are not necessarily prohibited in other jurisdictions. For information on the prohibitions under the Jamaica's competition legislation, the **FAIR COMPETITION ACT (FCA)**, please visit our website at www.jftc.gov.jm.

In this Issue we feature issues related to the period January 1, 2015 to March 31, 2015.

Complaints investigated during Financial Year 2014/2015

Over the period April 1, 2014 to March 31, 2015, the FTC investigated a total of 326 cases. This comprises 209 cases that were unresolved at the end of the previous Financial Year; and 117 cases which were received during the 2014/2015 Financial Year. For the period, 134 cases were resolved.

Of the 326 cases investigated, 271 were classified as matters concerning misleading advertising; 33 as offences against competition; 6 as request for opinion; 3 as sale above advertised price; and 1 as tied selling. Twelve complaints were considered as being outside the purview of the Fair Competition Act; and were therefore forwarded to relevant agencies for consumer redress.

FTC participates in Mobile Business Clinic Initiative

In continuation of its participation in the Mobile Business Clinic Initiative (MBCI), the FTC delivered a presentation titled "Competing to Grow" to a group of small business operators and consumers on March 24, 2015 in Mandeville. The MBCI was launched by the Ministry of Industry, Investment & Commerce in September 2014 to facilitate business formalization, market access and market entry; to increase awareness of business development services, provide training, capacity development and technical support; promote sound entrepreneurial practices through public education; and to sensitize MSMEs about the Government's reform agenda.

The FTC's presentation focused on educating Micro, Small and Medium-Sized Enterprises (MSMEs) on competition law and policy and its impact on their operations. The presentation is available at www.jftc.gov.jm.

FTC participates in international forums

In March 2015, David Miller, Executive Director participated in the conference entitled “Promoting Market Studies in Latin America”, hosted by the Organisation for Economic Cooperation and Development (OECD) in Santiago, Chile. The event focused on the role of market studies in enhancing the work of competition agencies towards enforcement of competition law. The key topics discussed were the benefits of market studies as an advocacy tool; the importance of access to information held by private agents and other public entities; and government’s commitment towards market studies. The Executive Director’s participation serves to strengthen the capacity of the FTC, specifically as it relates to using market studies to examine various sectors.

Kevin Harriott, Competition Bureau Chief at the Fair Trading Commission, participated in the 2nd Meeting of the Reconvened Task Force on the Implementation of Chapter 8 of the Revised Treaty- Competition Law and Policy held in Barbados, March 19 & 20, 2015. Currently, there is no regional policy on transactions which results in mergers and acquisitions and the meeting was timely in the sense that there has been a noticeable increase in the number of such transactions which are likely to have regional effects. This is certainly the case for Jamaica in the financial and telecommunication sectors. The participants deliberated on a framework for a regional coordination of such transactions and discussed matters such as the objective, scope and the jurisdiction of the regional competition authority relative to national authorities.

FTC now on Twitter

The FTC is now on Twitter, follow us at @jamaicaftc.

FTC to host another Competition Law Course

Over the three days, April 28-30, 2015, the FTC will be hosting three sessions in its Competition Law and Policy Training Course. The sessions will cover the role of Economics in the enforcement of Competition Law; Restrictive Agreements, including mergers and acquisitions; and the interaction between Competition Law and other commercial laws. A new module on aspects of the Canons of Professional Ethics has been included in the Course.

Each session will be for 4 hours, from 2 – 6pm; and will be held at the offices of the Ministry of Industry, Investment & Commerce, 4 St. Lucia Avenue, Kingston 5.

Registration form and Course information are available on the FTC website at www.jftc.gov.jm. As space is limited, registrants are encouraged to register early. Each session attracts a fee of \$6,000; and the fee for all three days is \$15,000.

Court date set for FTC suit against Crichton Automotive Limited

The FTC suit against Crichton Automotive Limited is set to be heard in the Supreme Court on April 27, 2015. The matter arose following an investigation into an allegation of Misleading Advertising. The allegation is that Crichton misled a customer regarding the model year of a Nissan Sunny motor car. At the time of sale, the car was represented as a 2007 model, but subsequently valuers have indicated that it is a 2005 model.